

AMENDMENTS TO THE DRAWINGS:

Please replace the drawings in this application with the amended drawings submitted herewith. Figures 4 and 5 have been deleted. Figures 1 and 2 have been amended to include reference numerals in agreement with the amendments made herein to the specification.

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-16 were pending in this application. In this response, claims 1, 7, 13, 14 and 16 have been amended and claims 17-19 added. Thus, claims 1-19 remain pending.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the specification, paragraphs [0056] and [0057].

DISCLOSURE OBJECTIONS

The disclosure was objected to for the reasons appearing at paragraphs 1 and 2 of the Official Action. By the present response, these objections have been addressed and reconsideration is respectfully requested.

Specifically, with regards to the objection in paragraph 1, Applicants respectfully traverse the objection because Figures 1A, 1B, 2, 4 and 5 each have a description in paragraphs [0036] to [0040] of the application. However, to expedite prosecution of the application, Applicants have amended drawing figures 1B-1G and figure 2 and the associated paragraphs [0056] and [0057] of the application. Also figures 4 and 5 have been canceled.

The amendments here note the relationship of the graphs in figures 1A to 1G. To assist in understanding, Applicants note that the power v. time graph of fig. 1B is the power supplied to the load (e.g., heating element) as regulated by the controller. This graph is reproduced in each of figures 1C to 1G for reference.

The amendments also indicate the portion of figure 2 that is an exemplary embodiment of the control circuit of figure 3, as well as identifies other features of figure 2 which one of ordinary skill in the art could identify from the drawing.

Specifically, with regards to the objection in paragraph 2, Applicants respectfully traverse the objection because the phrase “power subsource” in claims 1 and 13-16 has antecedent basis in the specification. In addition, the objection to control circuit in claim 13 is moot in view of the amendment to that claim removing this term.

Regarding the phrase “power subsource”, Applicants note that there is no requirement for verbatim recitation of a claim term in the written description. Rather, Applicant is permitted to use claim terms having broad generic meaning and is permitted to give examples, as here, of more specific species of the generic term. The Examiner’s rejection itself has identified disclosed and enabled features that are examples of the phrase “power subsources” used in the claim – namely, the SCR’s and associated components, in various forms, shown in the figures and described in paragraphs [0029]-[0031], [0041] and [0055] of the application. In one exemplary embodiment, the SCR’s and associated components act as power subsources to the load, e.g., directing electrical power to the heating element. Thus, it would appear that the specification contains support and/or antecedent basis for the phrase “power

subsources". Nothing more is required to comply with 37 C.F.R. §1.75(d)(1).

Reconsideration and withdrawal of the objection is requested.

DRAWINGS

The drawings are objected to as detailed at paragraph 3 of the Official Action. Applicants submit concurrently herewith a Submission of Replacement Sheets of Drawings. Figs. 1A to 1G and 2 are being amended and Figs. 4 and 5 canceled. Withdrawal of the objection to the drawings is respectfully requested.

CLAIM OBJECTIONS

Claims 1 and 7 are objected to because of informalities. Both claims 1 and 7 have been amended to correct the noted typographical errors. Reconsideration and withdrawal of the rejection is requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-16 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement on the grounds set forth on page 4 of the Official Action. Claims 1, 14 and 16 have been amended to overcome this rejection. Specifically, claims 1, 14 and 16 have been amended to clarify that it is the sum of the power provided to the plurality of load elements that is equal to the power of the electrical power source. Reconsideration and withdrawal is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 5, 8, 9, 14 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,634,843 to Payne (hereafter "*Payne '843*") on the grounds set forth on page 5 of the Official Action. This rejection is respectfully traversed because the cited reference does not teach all of the elements of the claim (see MPEP § 2131).

The present application discloses a circuit to provide the same power characteristics to resistive elements wired in parallel as to one wired in series and fault tolerant assembly with the circuit. The load is divided into multiple equal components to achieve a balanced and equal distribution of power over the sub-sections. There also appears to be no references to redundancy, improved reliability, fault tolerance or alarm annunciation.

Generally, the above characteristics and others are embodied in the claims. For example, claims 1, 14 and 16, the only independent claims at issue here, each recite, among other things, that there are "separate and equal power subsources" and that the "sum of the power" to the plurality of load elements or heating elements is "equal to the power of the electrical power source."

Payne '843 discloses two uneven (in power) heating elements on a cook-top so that the higher power one can be overdriven to give rapid heat-up or under-driven to give uniform heating. Thus and in contrast to the rejected claims, *Payne '843* does not disclose separate and equal power subsources. In light of at least this difference, Applicant respectfully submits that an anticipatory rejection is improper since *Payne*

'843 does not disclose the invention as claimed. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Payne* '843 in view of U.S. Patent No. 5,293,028 to Payne (hereafter "*Payne* '028"). Claim 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Payne* '843 in view of U.S. Patent No. 6,614,133 to Belson et al. (hereafter "*Belson et al.*"). Claim 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Payne* '843 in view of U.S. Patent No. 4,377,739 to Eckert, Jr. et al. (hereafter "*Eckert, Jr. et al.*"). Claims 7, 10, 12, 13 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Payne* '843 in view of U.S. Patent No. 6,246,831 to Seitz et al. (hereafter "*Seitz et al.*"). Claim 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Payne* '843 in view of U.S. Patent No. 4,829,159 to Braun et al. (hereafter "*Braun et al.*"). Each of these rejections is traversed.

First, each of the cited references proposed in combination with *Payne* '843 does not contribute to overcoming the above-noted deficiency with the disclosure in *Payne* '843 with respect to features in the independent claims. Thus, the proposed combination of references do not establish a *prima facie* case of obviousness because at least the claimed feature of separate and equal power subsources is not disclosed, taught or suggested by the cited references, either alone or in combination. Accordingly reconsideration and withdrawal of the rejections is respectfully requested.

Second, additional comments on differences between the present claims and some of the cited secondary references are provided here:

Payne '028 discloses a power control to maximize the power output by applying more power based on the length of time the power was off in the previous time cycle. Applicants do not see the relevance of this control system to the present claims. Further, *Payne '028* controls the power to achieve a maximum heating rate, while the present claims are not directed to maximizing the heating rate, but rather, among other things, to increased reliability.

Belson et al. discloses multiple parallel power supplies, with some in standby depending on load conditions. The present claims do not include a feature of a power source in standby mode.

Based on the above, reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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